



SPEECH

OF

MR. YELL, OF ARKANSAS,

ON THE

OREGON QUESTION.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

FEBRUARY 7, 1846.

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SPEECH.

On the resolution giving the twelve months' notice for the termination of the joint occupancy of the Oregon territory.

Mr. YELL obtained the floor and addressed the committee as follows:

Mr. Y. said he had not the vanity to suppose he could convince any gentleman of the committee what course they ought to pursue upon this great question. He was satisfied what ought to be his own. He presumed the opinions of every gentleman of the House were differently made up. His own had been for some time. In fact, it was so when the question first came up. His mind had never varied for a moment, and happily for him, his constituents always knew where to find him.

He was much gratified that he had for once an opportunity, at least on one single question, to agree with his whig friends. This was no political question, but one involving our national interest and honor. He rejoiced that gentlemen belonging to each of the great political parties of the country had come out, in the most decisive manner, in favor of the proposed notice, and were willing to adopt the course which he considered the only proper and safe one—not that he had a confidence that their course was correct because he agreed with them. No doubt, on a great national question like this, they would each decide for themselves, without any regard to what might be the opinion, either of the whole House, or of any particular member of it.

Nor was he at all uneasy in finding himself on this occasion in company with the venerable gentleman from Massachusetts, over the way, [Mr. ADAMS.] His constituents would not suspect him of a political sin on that account. We sometimes find ourselves with strange bed-fellows; and on questions of politics, it would be "*prima facie*" evidence that he was wrong to be found voting with him; but he was ready at any time to take the opinion of that gentleman on a great national question, as soon as any man's in the Union. Other gentlemen had a right to think as they pleased. His party attachments and his political integrity were not to be suspected. Many good democrats were opposed to this notice. Many decided whigs zealously supported it. He sincerely hoped that this question would prove a great American platform, on which all could find room to stand; he certainly was not inclined to drive from it all who did not exactly agree with him.

It was a question on which the purest democrats might honorably differ from each other, nor was the democracy as intolerant as may be supposed; they did not draw a line on 49° or 54° 40', and say to their fellow-democrats, come up to this, or calculate on being read out of your political church. If that was supposed to be the game, though he was a democrat "dyed in the wool," he greatly feared that upon some questions he would stand in danger of being read out himself.

In going into an examination of our title to Oregon, (which was the only question he meant at this time to investigate,) he intended to ascertain whether Oregon "*was ours*;" and when that was settled, he would agree to no compromise, either with whig or democrat with England or any other power. If our title was good he would have every foot of it, or a fight.

Mr. Y. said he came from a land of peace, and he represented a moral and religious people; but they would never be found compromising the interests of their country, or sacrificing her honor to avoid a war.

We are charged with being associated with the gentleman from Massachusetts [Mr. ADAMS] as our leader, and his former course is reviewed on this question. As to that venerable gentleman, he required no defence from him. He was on the latest stage of life, and would be soon gone from among us, in the common course of events; he had no longer any objects of earthly ambition, other than the upright and conscientious discharge of his duty, and he is fully competent to defend himself.

The gentleman from South Carolina [Mr. WOODWARD] had said, how was it in 1818, that he [Mr. ADAMS] was for letting this question remain in abeyance, and yet now was as eager for having it settled? Why did he not still continue his former system of "*masterly inactivity*?"

It seemed, then, that the gentleman from South Carolina was on the same side with the gentleman from Massachusetts. In 1827, he continued the same "*inactivity*" he had advocated in 1818. The gentleman, however, only went with the venerable gentleman from Massachusetts as long as that gentleman would go with him; as soon as he came over to the American side of the question, the gentleman

fell back, and, turning on his former friend, reproaches him with going over to the democratic party.

Mr. WOODWARD here rose to explain, which was very imperfectly heard by the reporter, (as was also many of the remarks of Mr. Y.), consequent upon the great confusion and conversation in the hall.

Mr. YELL continued. The gentleman says that General Jackson pursued the same inactive policy; and he asks why the laws and jurisdiction of the United States were not extended over Oregon at that time? The gentleman, to be sure, was too young at the time to know much about it; but the answer to his question is very easy. The laws of the United States were not extended to Oregon, because there were then no people in the territory for the laws to operate upon. The gentleman from Massachusetts will tell him that the same reason will apply during his administration.

So far as General Jackson was concerned, there was no inconsistency. If the territory had been peopled at that day to the extent it now is, no doubt he would have taken the same ground as we, who were his warm friends and supporters, now take. This charge, in the circumstances of the case, constitute the very reason why the gentleman from Massachusetts, and why I, go for giving this notice. Our citizens are there; they need defence; they emigrated there by thousands, and they have a right to demand our protection. Thousands more will go. This was not the case in 1823, and therefore the same necessity did not exist for the extension of the laws over the territory. I leave the gentleman from Massachusetts and the gentleman from South Carolina to settle the matter between themselves. He went as far as General Jackson did, and as far as all the Presidents before him had gone; but he is now opposed to this new doctrine of "masterly inactivity."

The first question I have to settle with myself, is, *Is Oregon ours?* By the treaty of 1763, between Great Britain and France, Great Britain abandoned all the country west of the Winspi river, and ceded it to France. She now sets up her claim, founded on the Nootka Sound convention of 1790; and it is under that convention that she now claims Oregon; and perhaps it is the most plausible—it is as follows:

Convention between Great Britain and Spain, commonly called the Nootka treaty, signed 28th October, 1790.

The principal object of this treaty is contained in th 3d article; which is as follows:

"Art. 3. In order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the two contracting parties, it is agreed that their respective subjects shall not be disturbed or molested either in navigation or in carrying on their fisheries in the Pacific ocean or in the South sea, or in landing on the coasts of those seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements thereat," &c., &c.

Under that treaty, she acquired no title to the soil, or right to the country, except for commerce, fishing, and hunting, and this was all she then claimed or desired.

Spain ceded to France the whole country west of the Winspi, in 1800. In 1803, the United States became the purchaser of all the title France thus acquired; and in 1818 we purchased the claim of Spain

also, which gave us the whole and only legal title to the country west of the Rocky mountains.

After our purchase of Louisiana, in 1803, we had become the rightful owners of all the country west of the Mississippi river, from latitude 42 to latitude 61, and without any civilized nation to contest our title except the claim of Great Britain, which she acquired under the Nootka Sound convention in 1790, and which was not considered valid, or of much force previous to the year 1818, as will be seen and better understood by a reference to the correspondence between our government and Great Britain upon the restoration of Fort George, which had been taken by the British during the war of 1812; and which was redelivered to the United States by the provisions of the treaty of Ghent:

"In obedience to the command of his royal highness the Prince Regent, signified in a despatch from the right honorable the Earl Bathurst, addressed to the partners or agents of the Northwest Company, bearing date the 27th of January, 1818, and in obedience to a subsequent order dated the 26th of July, from W. H. Sheriff, esq., captain of his Majesty's ship Andromache, we, the undersigned, do, in conformity to the first article of the treaty of Ghent, restore to the government of the United States, through its agent, J. B. Prevost, esq., the settlement of Fort George, on the Columbia river.

"Given under our hands, in triplicate, at Fort George, (Columbia river,) this 6th day of October, 1818.

"F. HICKEY,

"Captain of his Majesty's ship Blossom.

"J. KEITH,

"Of the Northwest Company.

The acceptance on the part of the United States is in these words:

"I do hereby acknowledge to have this day received, in behalf of the government of the United States, the possession of the settlement designated above, in conformity to the first article of the treaty of Ghent. Given under my hand, in triplicate, at Fort George, (Columbia river,) this 6th day of October, 1818.

"J. B. PREVOST,

"Agent of the United States."

On the consummation of these acts of the restoration of the valley of the Columbia river, in conformity with the treaty of Ghent, and the acknowledgment of our right "to be the party in possession while treating on the title," Mr. Greenhow remarks:

"The British flag was then formally lowered, and that of the United States having been hoisted in its stead over the fort, was saluted by the Blossom.

"The documents cited—the only ones which passed between the commissioners on the occasion—are sufficient to show that no reservation, or exception was made on the part of Great Britain, and that the restoration of Astoria to the United States was complete and unconditional."

In 1818, the convention of joint occupancy was entered into; and it was renewed and indefinitely extended in 1828; and at that time, the British minister admitted that Great Britain had no pretence to the sovereignty of the soil, as will be seen by reference to the articles of the convention, which are as follows, viz:

Convention between the United States of America and Great Britain, signed at London, October 20, 1818.

"ARTICLE 2. It is agreed that a line drawn from the most northwestern point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarcation between the territories of the United States and those of his Britannic Majesty; and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of his Britannic Majesty, from the Lake of the Woods to the Stony mountains.

"ART. 3. by either ward of the horse, days, in the same the date of vessels, cit well under to the preju contracting try, nor sh power or sh ect of the to prevent d Convention

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But Mr. CAL 49. Nor has this debate sho 49th is the pro was intended, mer administrat Mr. Polk, as wi to the following

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"ART. 3. It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves."

Convention between the United States and Great Britain, signed at London, August 6, 1827.

"ART. 1. All the provisions of the third article of the convention concluded between the United States of America and his Majesty the King of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1818, shall be, and they are hereby, further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.

"ART. 2. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 30th October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

"ART. 3. Nothing contained in this convention, or in the third article of the convention of the 20th October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky mountains."

If she had no right to it then, she certainly has none now. Yet she pretends to the sovereignty in Oregon. If (said Mr. Y.) I had doubts as to our title to Oregon, I would have gone to the correspondence of Mr. Calhoun with the British minister, which was marked by his usual ability, and was conclusive beyond a reasonable doubt. And not still fully convinced, (said Mr. Y.) I would have resorted to that of the able and distinguished Secretary of State, who has placed it beyond the possibility of doubt.

I venture to say that there is not one individual in a thousand, who has read that correspondence, that is not convinced by it. It is possible, that by blunders in negotiations in former propositions to compromise, this government may have give up a part of the territory.

But Mr. CALHOUN did not talk about stopping at 49. Nor has any gentleman who has spoken in this debate shown, or endeavored to show, that the 49th is the proper line. The offer of that parallel was intended, and made, merely in respect to former administrations, as is fully and fairly stated by Mr. Polk, as will be better understood by reference to the following extract from his message.

When I came into office, I found this to be the state of the negotiation. Though entertaining the settled conviction that the British pretensions of title could not be maintained on that portion of the Oregon territory upon any principle of public law recognized by nations, yet, in deference to what had been done by my predecessors, and especially in consideration that propositions of compromise had been thrice made by two preceding administrations, to adjust the question on the parallel of forty-nine degrees, and in two of them yielding to Great Britain the free navigation of the Columbia, and that the pending negotiation had been commenced on the basis of compromise, I deemed it to be my duty not abruptly to break it off. In consideration, too, that under the conventions of 1818 and 1827, the citizens and subjects of the two powers held a joint occupancy of the country, I was induced to make another effort to settle this long pending controversy in the spirit of consideration which has given birth to the renewed discussion."

I ask why this line of 49 is proposed? Where is the claim or title that fixes that line as the true boundary? Or where is the plausible reason given by Great Britain for the Columbia as the proper and true boundary? There is none, sir, that I have heard offered, except that two preceding administrations had offered to compromise at 49, and that therefore we were in good faith bound to accept it now, if offered. To that I have only to remark, that if our title to the country was clear and indisputable, the government had no right or authority to cede it away; and as the proposition was rejected by England, and withdrawn by the President, we are neither honorably or equitably bound now to accept it if offered. Our title to Oregon is not weakened by the offer or rejection. I am sure the President will not renew the proposition; and if it should be made by Great Britain, I have confidence enough in the administration and the Senate to believe that the interests and honor of the country will be maintained.

If we claim by contiguity, or by Spanish title, there is no reason for settling at 49, or at the Columbia river, save on principle of compromise merely; there can be no other ground for selecting that line. I tell gentlemen now that they may settle this boundary, but they never will unless they give this notice; every thing depends upon it. Give the notice, and you will settle your boundary; neglect to give it, and you will be begging and supplicating Great Britain for years to come to do that which you have a right yourselves to do, without giving offence. We might as well meet the question now, and settle it at once; delay will only endanger the peace of the country.

Mr. Y. said, I now predict, if this notice is not given, which I believe to be a peaceful measure, and will result in an amicable adjustment of all our difficulties upon the subject, I tell this committee that the people at the next election will settle it for themselves; that they will come upon you like an avalanche, and demand the whole of Oregon up to 54° 40'. And they will not only extend your laws over the country, but they will take possession of it even at the hazard of a war; and if that policy is pursued, it needs no prophet to foretell that war is inevitable. Then, I say to the peace party in this House, and out of it, that to avoid a war you must abrogate this joint occupancy, and bring this matter to a close, before the country becomes irritated and angry. The country is already sufficiently excited on this question, and though they reluctantly acquiesced in the President's offer to compromise at 49°, they excused him, under the circumstances; but they now feel that you must not renew that offer.

I am willing to say the same thing to the President; I excuse him for making the offer, but he must not do it again, and shall not with my consent. I will not ask whether we can now get what we might have got before. I would demand our just rights, and then enforce them, peaceably if we could, forcibly if we must.

When once I am satisfied of my rights, I will insist upon having them; and if Great Britain should declare war in twenty-four hours, let her do it; rather than a sacrifice of interest or honor, let the war come. We have whipped her twice, and we can whip her again.

Mr. Y. said we were told that the question was one in which sectional feelings were brought to bear—that the West was pressing this matter, as if she alone was interested. Not so, sir; the West

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knows her rights, "and knowing, will dare maintain them." And whether she is now able to enforce her claim, in common with the balance of this Union to Oregon, is a matter of doubt that will not deter her from a bold and independent expression of her claims and her wrongs.

Mr. Chairman, some gentlemen know but little of the wealth, value, and resources of that empire, the valley of the Mississippi, whose inhabitants are honest, industrious, brave, and patriotic; and whose population, after 1850, will be able to demand their rights upon this floor. With the exception of the grant of 500,000 acres of the public lands to the new States, for the purposes of internal improvement, we are strangers to the public treasury.

[A voice. That was a whig Congress.]

Yes, sir, it was; and I will not deny them that credit which is due to them—such credits are so rare that they should not be withheld when due.

But, Mr. Y. said, that in bestowing that donation they had fallen 540,000 acres short of what had been granted to Ohio for similar objects.

With all this boasted liberality, my state is minus 540,000 acres; and I now give notice, I shall, before the close of the present session, propose some measure to place her on an equal footing with the State of Ohio. If I fail, I will tell my people to be quiet till 1850, when she will have a representation on this floor who will be able to ask for justice and to enforce it; the small pittance which has been expended in the valley of the Mississippi, we will give you credit for, but we will present a long and large account for "back rations."

Mr. Y. said the West, and those in favor of the notice, had been denominated by some gentleman as the war party, and they designate themselves as the peace party. At home, I am considered a man of peace—so are my constituents; but not at the sacrifice of honor. "War, pestilence, and famine," sooner than dishonor. If they mean to assimilate the war and peace parties of the present day with those of the revolution, and the last war, I glory in the appellation. Did our forefathers in the revolution count the cost of a war with England, when we were but a handful, and without money or

munitions of war? Did they ask what the war would cost us to battle against the mother country, who was enforcing upon the colony taxation without representation? Did they ask or count the cost when our gallant sires threw the tea overboard at Boston, and refused to drink it, because it was unjustly forced upon them? No, sir; the only inquiry was—Are the colonies wronged, and we oppressed by unwholesome and unjust laws? The question being answered in the affirmative, we find the Adamses, and the Hancocks, and legions of others march up to the quation and meet it like men and like patriots. Mr. Y. said there was a peace party in 1812 and during the last war. We heard their opposition to the war from the halls of Congress and from the holy sanctuary. The peace party during the last war abused the administration for getting into the war, and their opposition was so violent against the war party that they described James Madison, John Holmes, Felix Grundy, and the d—I, as the leaders of the war party, and called down imprecations upon them for their defence of the rights and interests of the country, for voting supplies for the army, and men and means to defend the country. God forbid that I should ever belong to such a peace party. I hope there is none such at the present day.

Mr. Y. said we were told that we were not prepared for war, because we have no generals to lead us to victory. Sir, we have the heroes of Chippewa, of Erie, and of Sandusky. We have men and arms, upwards of 4,000 pieces of ordnance, and 600,000 small arms, and 1,800,000 militia, with a commander-in-chief who, in an engagement in a night attack, showed his plume by the blaze of the enemy's fire. We have still our Crogsans, our Joneses, our Jesups, our Towsons, and others not less distinguished, who are always ready to defend the stars and the stripes without stopping to count the cost. Then, sir, if our interest in Oregon is to cost us a war to maintain it, I say let it come; better war than dishonor, or to be bullied into a surrender of our rights; and if it should come, I say

"Lay on Macduff,
And damned be he that first cries hold, enough."

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